



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

June 14, 1991

Philip W. Barnes
Commissioner
State Board of Insurance
1110 San Jacinto
Austin, Texas 78701-1998

OR91-290

Dear Mr. Barnes:

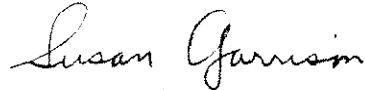
The State Board of Insurance has received an application under the Texas Open Records Act, article 6252-17a, V.T.C.S., for information on the Commodore Life Insurance Company. Your request was assigned ID# 11069.

The only material requested that is in the possession of the Commissioner of Insurance is related to disciplinary actions against Commodore's representatives, registered agents, officers or directors. All other material responsive to the request is in the possession of the court-appointed receiver for Commodore Life Insurance Company. The State Board of Insurance has a pending disciplinary action against Commodore Life based on alleged violations of the Insurance Code, and you anticipate that litigation in a judicial forum will follow. We have considered the exception you claimed, specifically section 3(a)(3) of the Open Records Act, and have reviewed the documents at issue. Previous determinations of this office, Open Records Decision Nos. 551 (1990); 588 (1991), copies of which are enclosed, resolve your request. For this reason, you may withhold the requested information that is in the commissioner's possession. We point out that the question of the application of the Open Records Act to books and records of an insurance company in the custody of a court-appointed receiver is the subject of RQ-26 pending in our office.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with

a published open records decision. If you have questions about this ruling, please refer to OR91-290.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/mc

Ref.: ID# 11069

Enclosures: Open Records Decision Nos. 551, 588

cc: Karen J. Cox
Staff Attorney, Legal Compliance
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